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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

EVANSTON INSURANCE CO., an Illinois corporation; MARKEL SHAND, INC., an Illinois corporation, Plaintiffs, vs. BYRON & EDWARDS, APC; BYRON EDWARDS MOSTOFI, APC; MICHAEL M. EDWARDS, ESQ., an individual; THOMAS W. BYRON, ESQ., an individual; and DOES 1-50, inclusive, Defendants.	Case No.: 08CV407BTMLSP **NOTICE AND ORDER FOR EARLY NEUTRAL EVALUATION CONFERENCE**

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD please take notice that the Court has ordered the Early Neutral Evaluation Conference to take place on June 23, 2008, at 2:00 PM before United States Magistrate Judge Leo S. Papas, located at Courtroom G, First Floor, 940 Front Street, San Diego, California. A true and correct copy of the Court's Notice and Order are attached hereto as Exhibit "A".

Dated: May 7, 2008

By: [signature]
Dana A. Kravetz, Esq.
Barbara J. Mandell, Esq.
Attorneys for Plaintiffs EVANSTON INSURANCE CO. and MARKEL SHAND, INC.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

EVANSTON INSURANCE CO., et al., Plaintiffs, v. BYRON & EDWARDS, APC, et al., Defendants.	Civil No. 08-0407-BTM(LSP) NOTICE AND ORDER FOR EARLY NEUTRAL EVALUATION CONFERENCE

IT IS HEREBY ORDERED that an Early Neutral Evaluation of your case will be held on June 23, 2008, at 2:00 ~~PM~~ before United States Magistrate Judge Leo S. Papas, United States Courthouse, Courtroom G, First Floor, 940 Front Street, San Diego, California.

Pursuant to Rule 16.1(c) of the Local Rules of the United States District Court for the Southern District of California, both counsel and the parties who have full and unlimited authority[1] to

[1] "Full authority to settle" means that the individuals at the settlement conference must be authorized to fully explore settlement options and to agree at that time to any settlement terms acceptable to the parties. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648 (7th Cir. 1989). The person needs to have "unfettered discretion and authority" to change the settlement position of a party. Pitman v. Brinker Intl., Inc., 216 F.R.D. 481, 485-486 (D. Ariz. 2003). The purpose of requiring a person with unlimited settlement authority to attend the conference includes that the person's view of the case may be altered during the face to face conference. Id. at 486. A limited or a sum certain of authority

Ex A, Pg. 1

negotiate and enter into a binding settlement shall appear in person at the conference and shall be prepared to discuss the claims, defenses and damages.

Unless there are **extraordinary circumstances,** persons required to attend the conference pursuant to this Order shall not be excused from personal attendance. Requests for excuse from attendance for extraordinary circumstances shall be made in writing at least 48 hours prior to the conference. Where the suit involves the United States or one of its agencies, only counsel for the United States with full settlement authority need appear. All conference discussions will be informal, off the record, privileged and confidential.

The parties may submit a short Confidential Early Neutral Evaluation Conference Statement prior to the conference. The parties are also encouraged to lodge with Magistrate Judge Papas' chambers a chronology, setting forth a timeline of the factual events that are the basis for the claims and defenses asserted in this litigation. If submitted, the chronology should be in a chart or column format with the column headings "DATE" and "EVENT" and may be annotated with documents significant to the facts or issues.

In the event the case does not settle at the Early Neutral Evaluation Conference, the parties shall also be prepared to discuss the following matters at the conclusion of the conference.

1. Any anticipated objections under Federal Rule of Civil Procedure 26(a)(1)(E) to the initial disclosure provisions of Federal Rule of Civil Procedure 26(a)(1)(A-D);

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is not adequate. Nick v. Morgan's Foods, Inc., 270 F.3d 590 (8th Cir. 2001).

2. The scheduling of the Federal Rule of Civil Procedure 26(f) conference;

3. The date of initial disclosure and the date for lodging the discovery plan following the Rule 26(f) conference; and,

4. The scheduling of a Case Management Conference pursuant to Federal Rule of Civil Procedure 16(b).

The Court will issue an appropriate order addressing these issues and setting dates as appropriate.

Plaintiff's counsel shall notify all Defendants of the date and time of the Early Neutral Evaluation Conference. Questions regarding this case may be directed to the Magistrate Judge's research attorney at (619) 557-6384.

DATED: April 23, 2008

Hon. Leo S. Papas
U.S. Magistrate Judge

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the office by a member of the bar of this Court in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 15760 Ventura Boulevard, Suite 500, Encino, California 91436.

On **May 8, 2008**, I served the foregoing document described as:

NOTICE OF FILING PROOF OF SERVICE FOR BYRON & EDWARDS, APC

on the interested parties in this action, by placing true copies thereof enclosed in sealed envelopes addressed to the following addressees:

Kevin DeSantis, Esq.
James A. McFaul, Esq.
Butz Dunn DeSantis et al
101 W Broadway #1700
San Diego, CA, 92101-3881
Phone Number: (619) 233-4777 / Fax Number: (619) 231-0341

[X] **BY MAIL**: I caused such envelope to be deposited in the mail at Encino, California. The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the law firm's practice of collection and processing correspondence for mailing. Under the practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Encino, California, in the ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if the postal cancellation date or postage meter is more than one day after the date of deposit for mailing the affidavit.

[X] (FEDERAL) I declare that I am employed in the offices of a member of the bar of this court at whose direction the service was made.

Executed on **May 8, 2008**, at Encino, California.

Alenoosh Hovanessian